

INITIATIVE 677

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 677 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to prohibiting unfair employment practices on the
2 basis of sexual orientation; not requiring partner benefits or
3 preferential treatment and exempting religious organizations and small
4 business; adding new sections to chapter 49.60 RCW; and creating new
5 sections.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** SHORT TITLE. This Act may be known and
8 cited as the Employment NonDiscrimination Act of Washington.

9 NEW SECTION. **Sec. 2.** FINDINGS. The People of the State of
10 Washington find that:

11 (1) Under Washington state and federal statutes, people are not
12 currently protected from employment discrimination based on sexual
13 orientation; and

14 (2) Because a person's sexual orientation bears no relationship to
15 one's qualifications or ability to perform one's job, employers,
16 employment agencies, or labor organizations should not base employment
17 opportunities, employment decisions or union membership or membership
18 privileges on a person's sexual orientation.

1 NEW SECTION. **Sec. 3.** UNFAIR PRACTICES PROHIBITED. (1) It is a
2 prohibited unfair practice for an employer, employment agency or labor
3 organization, in connection with employment opportunities, employment
4 decisions, membership, or membership privileges, to discriminate
5 against a person on the basis of sexual orientation.

6 (2) It is a prohibited unfair practice for an employer, employment
7 agency, labor organization, or person to interfere with any person in
8 the exercise of any right protected by this act or to discharge, expel,
9 or otherwise retaliate or discriminate against a person because he or
10 she opposed any practice prohibited by this act or assisted in an
11 action brought under it.

12 NEW SECTION. **Sec. 4.** PARTNER BENEFITS OR PREFERENTIAL TREATMENT
13 NOT REQUIRED--REGULATION OF WORKPLACE CONDUCT NOT PROHIBITED. (1)
14 Nothing in this act requires an employer, employment agency or labor
15 organization to provide benefits to an employee's partner.

16 (2) Nothing in this act requires an employer, employment agency, or
17 labor organization to give preferential treatment to any person on the
18 basis of his or her sexual orientation.

19 (3) Nothing in this act prohibits an employer from regulating the
20 workplace conduct of employees covered by this act in the same manner
21 it regulates the conduct of all employees.

22 NEW SECTION. **Sec. 5.** NON-PROFIT RELIGIOUS ORGANIZATIONS AND SMALL
23 BUSINESS EXEMPT. (1) This act does not apply to religious or sectarian
24 organizations not organized for private profit.

25 (2) This act does not apply to employers who employ less than eight
26 employees.

27 NEW SECTION. **Sec. 6.** REMEDIES--ENFORCEMENT STANDARDS. (1) Any
28 person deeming himself or herself injured by any act or omission in
29 violation of this act shall have a civil action in a court of competent
30 jurisdiction to enjoin further violations and to recover the
31 compensatory damages, including emotional distress, if any, sustained
32 by such person, together with the costs of suit, including reasonable
33 attorney's fees and costs and expert fees and costs.

34 (2) This act is supplemental to and does not invalidate or limit
35 the rights, remedies, or procedures available to an individual claiming
36 unfair practices or discrimination. Superior courts of the state of

1 Washington shall have the same jurisdiction and powers to enforce this
2 act as such courts have to enforce this chapter. For the purposes of
3 determining whether an unfair practice under this act has occurred,
4 claims of employment discrimination based on sexual orientation shall
5 be evaluated in the same manner as other claims of employment
6 discrimination under Chpt. 49.60.030(1)(a), 49.60.180, 49.60.190, and
7 49.60.210 RCW.

8 (3) The state of Washington and other political or municipal
9 subdivision are not immune from an action in a court of competent
10 jurisdiction for a violation of this act, and such entities shall be
11 subject to the same standards and relief as any other entity.

12 NEW SECTION. **Sec. 7.** DEFINITIONS. As used in this act:

13 (1) The terms "employer," "employment agency," "labor
14 organization," "employee," and "person" are defined in RCW 49.60.040.

15 (2) The term "sexual orientation" means heterosexual, lesbian, gay,
16 or bisexual orientation, real or perceived, or having a self-image or
17 orientation not traditionally associated with one's biological gender,
18 real or perceived.

19 NEW SECTION. **Sec. 8.** SEVERABILITY--CONSTRUCTION CLAUSE. (1) If
20 any provision of this act or its application to any person or
21 circumstance is held invalid, the remainder of the act or the
22 application of the provision to other persons or circumstances is not
23 affected.

24 (2) The provisions of this act are to be liberally construed to
25 effectuate the policies and purposes of this act.

26 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act are each
27 added to chapter 49.60 RCW.

--- END ---